

REMARKS

By this Amendment, Applicants have amended claims 24 and 35 to more appropriately define the claimed invention. Upon entry of this Amendment, claims 24-46 remain pending and under examination. For the reasons presented herein, Applicants traverse the rejections set forth in the Final Office Action¹, wherein the Examiner:

- (a) rejected claims 24-28, 30-38, and 40-46 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,559,862 to Bhagat et al. ("Bhagat"); and
- (b) rejected claims 29 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Bhagat in view of U.S. Patent Application No. 2002/0122550A1 to Noplock ("Noplock").

Regarding the 35 U.S.C. § 102(b) Rejection of Claims 24-28, 30-38, and 40-46

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 24-28, 30-38, and 40-46 under 35 U.S.C. § 102(b) as being anticipated by Bhagat. In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in Bhagat. See M.P.E.P. § 2131.

Bhagat does not disclose each and every element of Applicants' claimed invention. Specifically, Bhagat does not disclose or suggest at least Applicants' claimed "selectively identifying an identification code associated with a long-distance operator used by said called user for calling back said calling user; and inserting said identification code into said calling line identity presentation supplied by said

¹ The Final Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Final Office Action.

communications network to said called user following the call made by said calling user,” as recited in independent claim 24 (emphasis added, with similar recitations appearing in claim 35). Instead, Bhagat simply discloses that “if the dialing plan requires an area code as a prefix . . . then DTND [Dialable Telephone Number Display] . . . adds the area code.” Bhagat, col. 4, lines 11-14. That is, the numbers disclosed in Bhagat are numbers associated with locations (i.e., area and prefix codes), and not numbers associated with long-distance operators.

For example, “the CLIP identifier presented to the called user is processed in such a way that it includes the long-distance or trunk operator code . . . agreed previously by the called user with his/her telephone service operator.” See Applicants’ specification at, for example, page 4, 18-23. That is, Applicants’ claim recitation:

selectively identifying an identification code associated with a long-distance operator used by said called user for calling back said calling user; and

inserting said identification code into said calling line identity presentation supplied by said communications network to said called user following the call made by said calling user (claim 24, emphasis added)

refers to the identifying of an identification code “agreed previously by the called user with his/her telephone service operator” for identifying a “long-distance or trunk operator.” See Applicants specification at page 4, lines 18-31 and page 6, lines 6-26.

Thus, “an identification code associated with a long-distance operator” (claim 24) is clearly distinct from area prefix codes. In addition, area prefix codes are neither “agreed previously by the called user with his/her telephone service operator” nor for identifying a “long-distance or trunk operator.” See Applicants specification at page 4, lines 18-31.

Since Bhagat fails to disclose at least Applicants' claimed "selectively identifying an identification code associated with a long-distance operator used by said called user for calling back said calling user; and inserting said identification code into said calling line identity presentation supplied by said communications network to said called user following the call made by said calling user" as recited in independent claim 24 (with similar recitations in independent claim 35), Bhagat does not anticipate Applicants' claims 24 or 35. Independent claims 24 and 35 should therefore be allowable. Dependent claims 25-34 and 36-46 should also be allowable at least by virtue of their respective dependence from base claim 24 or 35. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and request allowance of independent claims 24 and 35, as well as their respective dependent claims 25-34 and 36-46.

Regarding the 35 U.S.C. § 103(a) Rejection of Claims 29 and 39

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 29 and 39 under 35 U.S.C § 103(a) as being unpatentable over Bhagat in view of Noplock.

The Examiner has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007). In particular, the Examiner has not properly determined the scope and content of the prior art, at

least because he incorrectly interpreted the content of Bhagat and Noplock.

Specifically, neither Bhagat nor Noplock teaches what the Examiner attributes to them.

Applicants have previously established herein that Bhagat does not teach or suggest each and every element of independent claims 24 and 35. The Office Action's application of Bhagat alone or in combination with Noplock against the dependent claims does not cure the deficiencies of Bhagat as to independent claims 24 and 35. That is, Bhagat in view of Noplock, taken alone or in combination, also fails to teach or suggest at least Applicants' claimed "selectively identifying an identification code associated with a long-distance operator used by said called user for calling back said calling user; and inserting said identification code into said calling line identity presentation supplied by said communications network to said called user following the call made by said calling user," as recited in independent claim 24 (with similar recitations appearing in claim 35). The Office Action's allegations as to Bhagat and the secondary reference with regard to the dependent claims does not address the failure of Bhagat to teach or suggest each and every element of the independent claims, as explained in the previous section.

Dependent claims 29 and 39 should therefore be allowable at least by virtue of their dependence from base claim 24 and 35, respectively. Applicants therefore request withdrawal of the remaining 35 U.S.C. § 103(a) rejections.

Conclusion

Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 24-46 are neither anticipated nor rendered obvious by the cited references. Accordingly, Applicants request allowance of the pending claims.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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